

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6842

BILL NUMBER: SB 316

NOTE PREPARED: Mar 18, 2008

BILL AMENDED: Feb 26, 2008

SUBJECT: Practice of Veterinary Medicine.

FIRST AUTHOR: Sen. Dillon

FIRST SPONSOR: Rep. Grubb

BILL STATUS: Enrolled

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: *Veterinary Drug Restrictions-* The bill provides that the veterinary drug restrictions do not apply to veterinary drugs that are not restricted by federal law.

Added Definitions- The bill adds definitions of the terms "client", "consultation", "contract operator", "direct supervision", "indirect supervision", "registered veterinary technician", "supervisor", "veterinary assistant", and "veterinarian-client relationship".

Amended Definition- The bill amends the definition of "practice of veterinary medicine" to include the following acts done for compensation: (1) Dispensing medicines to treat an animal.; (2) Performing complementary or alternative therapy upon an animal.; and (3) Certifying the health or fitness of an animal.

Removed Definition- The bill removes the definition of "veterinary technician".

Additional Board Member- The bill adds a registered veterinary technician to the Board of Veterinary Medical Examiners (Board).

Veterinary Investigative Fund- The bill establishes the Veterinary Investigative Fund (VIF) and allows a \$10 fee to be placed in the VIF.

Practice Without License- The bill amends the provisions regulating who may practice veterinary medicine without a license by: (1) removing veterinary technology instructors; (2) adding veterinary medical officers; (3) specifying that college instructors must be faculty at the School of Veterinary Medicine at Purdue University; (4) specifies that scientific research must comply with federal animal welfare regulations; and

(5) specifies that foreign graduates and postgraduates must be under the supervision of Purdue University Veterinary Medicine faculty instead of a licensed veterinarian. and (6) providing assistance requested by a veterinarian by certain regulated professions.

No License for Certain Practitioners Convicted of a Crime- The bill prohibits issuing a veterinarian license to a person who has a conviction that would have a bearing on the person's ability to practice ethically or would have violated certain standards of practice.

Miscellaneous Provisions- The bill allows the board to require continuing education as a condition of renewal of a license if the license has been expired for not more than five years. The bill prohibits a person from using the title "veterinary technician" unless the person is registered. The bill prohibits a veterinary assistant from diagnosing, prescribing, or performing surgery. The bill allows a registered veterinary technician to perform certain procedures under indirect supervision. The bill specifies supervision and delegation responsibilities. The bill removes the requirement to display licenses, registrations, and permits. The bill requires a veterinary-client relationship to exist before dispensing or prescribing a prescription. The bill prohibits prescription products from being transferred to a person if a veterinarian-client-patient relationship does not exist. The bill allows a client to obtain the animal's prescription if certain conditions are met. The bill makes veterinary medical records confidential. The bill requires the records to be maintained for three years. The bill establishes exceptions to confidentiality records. The bill requires that written notice concerning an abandoned animal be sent by certified mail.

Discipline for Intoxication- The bill allows a registered veterinary technician to be disciplined for intoxication. (Current law requires discipline for chronic intoxication.)

Immunity for Reporting Animal Cruelty- The bill provides immunity for veterinarians and registered veterinary technicians, who in good faith, report a suspected incident of animal cruelty.

Penalties- The bill provides that a person who: (1) practices as a veterinarian or registered veterinary technician without a license, permit, or registration; or (2) supplies false information on an application; commits a Class A misdemeanor. (The current penalty is a Class B misdemeanor.) The bill provides that other violations of the article are a Class A infraction.

Impaired Veterinarians- The bill establishes an impaired veterinary health care provider program. The bill establishes an impaired veterinary health care provider fund. The bill requires that part of an application fee be deposited into the fund. The bill requires the board to amend certain administrative rules. The bill makes technical and related changes.

Appropriation- The bill makes an appropriation.

Effective Date: July 1, 2008.

Explanation of State Expenditures: *Additional Board Member-* Veterinary Board members are allowed to receive reimbursement for travel expenses under state Department of Administration travel policies as approved by the State Budget Agency. The amount of expenditures for the travel of one additional member is unknown and would depend on the distances traveled.

Explanation of State Revenues: *Veterinary Investigative Fund-* The Board would have the option of establishing a fee of not more than \$10 per year on a licensed or special permitted practitioner to investigate

complaints of violations of veterinary law. Funds from the fee would be deposited into the VIF. The PLA would collect the fee for the Board. At current active license levels, a \$10 fee would generate approximately \$25,600 per year. Money in the VIF at the end of a state fiscal year would not revert to the state General Fund. However, any amount above \$750,000, net of all payment of claims and expenses, *would* revert to the state General Fund.

Funds in the VIF could be given to the Attorney General (AG) by the PLA if a cooperative agreement between the two agencies were reached for the AG to investigate and pursue enforcement actions against violators of the veterinarians' statute.

Discipline for Intoxication- This provision could affect total registrations of technicians, if more veterinary technicians were to have their registrations revoked.

Penalties- Changing from Class B misdemeanor to Class A misdemeanor: The bill would upgrade two Class B misdemeanors in veterinary code to Class A misdemeanors. Revenue to the Common School Fund may increase if a person is sentenced for a Class A misdemeanor rather than for a Class B misdemeanor. The maximum fine for a Class B misdemeanor is \$1,000, while the maximum fine for a Class A misdemeanor is \$5,000. Court fees of \$120 would remain unchanged.

New Class A Infraction: The maximum judgment for a Class A infraction is \$10,000, which would be deposited in the state General Fund. However, any additional revenue is likely to be small.

Impaired Veterinarians- The bill would establish the Impaired Veterinary Health Care Provider Fund (VHCPF). Money in the VHCPF would be appropriated directly to the Board and would not revert to the state General Fund and the end of a fiscal year.

Explanation of Local Expenditures: *Penalties-* Changing from Class B misdemeanor to Class A misdemeanor: Costs to local governments could increase because the maximum term of imprisonment for a Class B misdemeanor is up to 180 days, while the maximum term for a Class A misdemeanor is up to one year. The average daily cost of housing a prisoner is approximately \$44.

Explanation of Local Revenues: *Penalties-* Changing from Class B misdemeanor to Class A misdemeanor: Court fees of \$120 would remain unchanged.

New Class A Infraction: If additional court actions are filed and a judgment is entered, local governments would receive revenue from court fees. However, any additional revenue is likely to be small.

State Agencies Affected: Professional Licensing Agency, Attorney General, Board of Veterinary Medical Examiners.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association; Professional Licensing Agency; State of Indiana: *List of Appropriations, July 1, 2007, to June 30, 2009.*

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